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Note verbale dated 28 October 2004 from the Permanent Mission of Morocco to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Kingdom of Morocco to the United Nations presents its compliments to the Chairman of the Committee and, in reference to the Committee's note dated 21 June 2004, has the honour to transmit to you herewith the report submitted by the Kingdom of Morocco pursuant to the said resolution (see annex).

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Annex to the note verbale dated 28 October 2004 from the Permanent Mission of Morocco to the United Nations addressed to the Chairman of the Committee

Report of the Kingdom of Morocco submitted pursuant to paragraph 4 of Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction

The present report is submitted by the Kingdom of Morocco pursuant to paragraph 4 of Security Council resolution 1540 (2004), adopted on 28 April 2004, in which the Council "calls upon States to present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement this resolution".

Introduction

1. The Kingdom of Morocco, being profoundly convince that the international effort to combat terrorism should cover all aspects of that complex phenomenon, fully shares the concerns of the international community concerning the proliferation of weapons of mass destruction.

2. Thus, Morocco has duly noted the adoption, on 28 April 2004, of Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction, by which States are expressly made responsible and which is intended to prevent non-State actors and terrorist groups from acquiring such weapons.

3. Having itself been the victim of odious terrorist acts, Morocco is fully cognizant of the gravity of the multidimensional threat represented by the scourge of terrorism and convinced of the need to adopt a long-term global security strategy based on prevention.

4. The effort undertaken by Morocco to round out its normative arsenal relating to the proliferation of and traffic in equipment and materials that can help non-State actors to manufacture, acquire, possess, develop, transport or use nuclear, biological or chemical weapons shows the Kingdom's unshakeable commitment to the fight led by the international community to deal with terrorism and the proliferation of weapons of mass destruction.

5. Within this framework, and in accordance with the spirit of Security Council resolution 1373 (2001), Morocco believes that, beyond the efforts undertaken at the national and regional levels, concerted multilateral activity within the appropriate context, namely the United Nations, is of major importance in combating such scourges.

6. Similarly, in addition to the economic, social and security challenges to which the international community must accord the utmost interest, the persistence of tension is a source of frustration that lends itself to exploitation by terrorist networks. It is significant that the black marks on the map of world conflicts correspond to the regions where terrorist groups thrive and the risk of proliferation of weapons of mass destruction is great.

7. Moreover, the multilateral bodies in charge of disarmament must be energized with a view to strengthening and completing the international legal arsenal in the field of repression of the proliferation of weapons of mass destruction.

8. Taking its inspiration from and adhering fully to the terms of paragraph 7 of resolution 1540 (2004), in which the Council "recognizes that some States may require assistance in implementing the provisions of this resolution", Morocco considers that only active international cooperation, based on the principles of solidarity and shared responsibility and geared toward the mobilization of resources and the exchange of information and experience, can permit effective, universal application of the provisions of the resolution.

I. Steps taken by Morocco

9. It should be stated from the outset that the Kingdom of Morocco neither possesses nor develops any weapon or product of mass destruction.

At the international level

10. Morocco has signed and ratified all the multilateral instruments on weapons of mass destruction.

11. Thus, Morocco has always militated in favour of the total elimination of nuclear weapons. It continues its efforts towards the universal application of the Treaty on the Non-Proliferation of Nuclear Weapons, which, in 1970, it was one of the first countries to ratify.

12. In January 1973 Morocco also signed a safeguards agreement with the International Atomic Energy Agency (IAEA) under that Treaty and, in September 2004, an additional protocol thereto. In addition, Morocco has ratified the Comprehensive Test Ban Treaty and the Convention on the Physical Protection of Nuclear Materials and has adhered to all conventions relating to nuclear safety concluded under the aegis of IAEA.

13. In line with the strengthening of measures for the safety and security of radioactive sources, moreover, Morocco has notified the Director General of IAEA of its acceptance of the IAEA Code of Conduct on the Safety and Security of Radioactive Sources. In April 2004 Morocco also signed an agreement with the United States Department of Energy aimed at strengthening the physical security measures of nationally held high-activity sources coming under the world programme run by that Department on the reduction of radiological threats.

14. With regard to chemical weapons, Morocco was actively involved in the entire process that led to the elaboration and subsequent adoption of the Chemical Weapons Convention, which it signed and ratified in 1997 and 1999, respectively.

15. The Kingdom, which properly fulfils its obligations contracted under that Convention, regularly transmits its annual declarations on chemicals called for by the Convention. Within the framework of the inspections carried out by the Organization for the Prohibition of Chemical Weapons to ensure compliance by States parties with the provisions of the Convention relating to verification, five inspections were carried out in the country by that Organization in 2000, 2002, 2003 and 2004. The inspections, deemed successful by the Organization, were conducted under the best possible conditions.

16. On 29 January 2004 Morocco ratified the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.

17. The Kingdom, which has no ballistic-missile or space-launcher programme, adheres to the fundamental principles of the Hague Code of Conduct against Ballistic Missile Proliferation, adopted at The Hague on 25

November 2002. It viewed that international instrument as making an additional contribution to the preservation of international peace and security.

18. The Kingdom of Morocco was also signatory to the 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection.

At the national level

19. In 1971 the Kingdom of Morocco, aware of the importance of maintaining close control of radioactive sources, adopted the Act concerning Protection against Ionizing Radiation. This legal instrument is considered the cornerstone of the Moroccan legal arsenal governing peaceful uses of nuclear technology. The decree issued on 28 October 1977 pursuant to that Act entrusted to the National Radiation Protection Centre (CNRP) the functions of authorization and regulatory control that must be subscribed to and satisfied by any practical activity relating to the importation, possession, use, exportation or storage of ionizing radiation sources.

20. The purpose of such measures is to protect human beings and the environment against radiological risks and prevent illicit traffic in radioactive sources. Under the decree of 28 October 1977 the Centre is required to keep an accurate inventory of radioactive sources located within Moroccan territory. The decree of 7 December 1994 on the authorization and monitoring of nuclear installations establishes a prior authorization procedure to permit effective monitoring and constant supervision of all security aspects related to nuclear installations intended for energy and technology development. The National Nuclear Security Commission (CNSN), instituted by that decree and responsible for managing nuclear materials brought into Morocco, was established in April 1996.

21. The management of radioactive waste has been entrusted to the National Centre for Nuclear Science, Energy and Technology (CNESTEN) under the act whereby it was created, dated 14 November 1986. The Centre has developed a technical infrastructure capable of answering the needs of centralized management of nationally produced radioactive waste.

22. Within the context of the implementation of the Chemical Weapons Convention, a bill on the application of the Convention, prepared with the full collaboration of the Organization for the Prohibition of Chemical Weapons, is to be submitted shortly to the General Secretariat of the Government with a view to commencing the procedure for its adoption. The bill includes provisions on prohibitions, declarations, inspections and sanctions.

23. In that same context, Morocco recently undertook to reformulate the initial decree instituting the National Authority in Charge of the Implementation of the Chemical Weapons Convention. The new decree was adopted by the Government Council on 8 July 2004.

24. In the area of border control, the Customs Administration provides assistance to other departments for the implementation of the specific regulations issued by them.

25. It should be pointed out that the national system of border control and regulation of arms use includes the Dahir of 11 March 1936 on the prohibition of the exportation, exploitation, transit and transshipment of war matériel; the Dahir of 31 March 1937 on the importation, carrying, possession and storage of and trade in arms and munitions; and the Dahir of 2 September 1958 on the repression of infractions of the legislation on weapons, munitions and explosive devices.

26. One should mention that Act 03-03 (June 2003), on combating terrorism, supplemented that legislation, rendering it more effective.

27. With regard to explosives, monitoring and surveillance operations are entrusted to the Ministry of Energy and Mines, the local authorities, the Royal Gendarmerie and the Royal Armed Forces. The principal texts in force in that area are the Dahir of 14 January 1914, as amended and supplemented, regulating the importation, movement, sale and use of explosives; the Dahir of 14 April 1914, as amended and supplemented, regulating the manufacture of explosives; the text of 2 January 1932, as amended by the vizierial decree of 24 February 1940, regulating the use of explosives in quarries and on construction sites; the text of 18 February 1938, regulating the use of explosives in mines other than fuel mines; the text of 2 March 1938, in particular its title IV, governing the handling and transport of explosives; the text of 30 January 1954 concerning the monitoring of explosives; the vizierial decree of 30 January 1954, establishing certain modalities for the application of the Dahir of 14 January 1914 regulating the importation, movement, sale and use of explosives and fixing the conditions for the installation of warehouses; and the decree of 29 December 1954, as amended and supplemented, establishing the technical conditions for the warehousing of explosives, explosive firing systems and detonators.

28. The aforementioned texts are in the process of being updated by the Ministry of Energy and Mines with a view to further enhancing the security and safety of explosives for civilian use.

29. In the area of transport, measures have been taken to strengthen security. The necessary measures have been adopted to guarantee the compliance of Moroccan ships and port installations with the provisions of the International Ship and Port Facility Security (ISPS) Code. Such measures relate, for example, to the tightness of restricted areas, effective control of access to port installations and the separation of activities in ports. Also, 420 additional police officers have been assigned to strengthening port security, including 200 for the port of Casablanca alone. With regard to equipment, a programme has been defined for equipping all Moroccan commercial ports with AIS (automatic identification system) for ship identification and the VTS (vessel traffic services) system for the management of vessel traffic or ARPA (automatic radar plotting aid) radar systems. The programme also calls for the equipping of ports with hand-luggage scanners, metal-detector passenger gates and scanners for checking containers and TIR (international road transport) lorries.

30. In the field of air transport, in accordance with the standards and recommendations of the International Civil Aviation Organization (ICAO), the National Office of Airports (ONDA) has set up, at platforms throughout the Kingdom, a number of measures aimed at preventing the illegal introduction or exit of weapons or sensitive materials. Such measures include the following:

- The providing of all airports with inspection and X-ray filter equipment as well as metal detector gates for passenger control;

- The protection of air cargo by means of X-ray filter techniques;

- The setting up by the Royal Gendarmerie of explosives-sniffing dog teams;

- The elaboration of airport security programmes specific to each platform in accordance with the National Security Programme currently being updated by the authorities with a view to the implementation of the safety procedures required by the related documents to ensure the safety of civil aviation while maintaining flight regularity;

- Coordination and exchange of information with all airport partners in the field of civil aviation safety;

- The implementation, within the Mohammed VI International Academy of Civil Aviation, of safety training programmes for officers and collaborators of the National Office of Airports (ONDA), the police, the Royal Gendarmerie, customs, airlines, etc.

31. Royal Air Maroc, the national airline, has for its part instituted the necessary measures for the safety of weapons transport. The measures adopted, in accordance with annex 17 to the Convention on International Civil Aviation of 7 December 1944 and the annexed documents, can be found in chapter 4, paragraph 4.4.4, of the Royal Air Maroc safety manual.

II. Measures currently being finalized

32. Although the Kingdom of Morocco has adhered to all the international instruments pertaining to nuclear non-proliferation and the safety and security of nuclear materials and other radioactive sources, its internal legal arsenal needs to be harmonized with the fundamental international standards of safety and security of nuclear materials.

33. Within this framework, a standing committee for follow-up of nuclear affairs, created pursuant to high royal instructions in January 2001 and attached to the office of the Prime Minister, has been charged, among other things, with preparing a homogeneous and unified draft law on the peaceful uses of nuclear energy and protection against ionizing radiation and a draft decree for the creation of a safety authority to be charged with ensuring tight control over nuclear materials and radioactive sources, keeping the related inventory and applying safety and security measures in accordance with national legislation and the basic international standards. Those drafts, elaborated in collaboration with IAEA experts, have been submitted to the competent authorities within the framework of the constitutional process of adoption. Other draft regulations pertaining to transport safety and waste management are in the process of being finalized. The draft law on civil liability in case of nuclear damage, too, is at an advanced stage of the approval process. Moreover, a draft joint decree on the physical protection of nuclear materials is being elaborated. This text, conceived in the form of a regulation, complies with the provisions of the Convention on the Physical Protection of Nuclear Materials.

34. With a view to honouring its commitments under the Convention on Biological Weapons, Morocco has commenced a process for the elaboration of national measures to prohibit and prevent the manufacture, storage, acquisition and preservation of toxic agents, weapons and means of delivery located within national territory or in any place under Morocco's jurisdiction or control. The measures also include the prohibition and prevention of any act that may violate the provisions of the Convention.